

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

STEPHEN PLANTE,

Plaintiff,

v.

2004-CV-0074

BRET ALAN ROSANE,

Defendant.

**TO: Lee J. Rohn, Esq.
Richard H. Hunter, Esq.**

ORDER DENYING DEFENDANT'S MOTION FOR SANCTIONS

THIS MATTER came before the Court upon Defendant's Motion For Sanctions For Violation of Pretrial Scheduling Order (Docket No. 219). Plaintiff filed an opposition to said motion. The time for filing a reply has expired.

Having reviewed the parties' written submissions and upon due consideration thereof, the Court finds that Defendant has not suffered prejudice from Plaintiff's failure to timely submit his portion of the proposed Joint Final Pretrial Order. In addition, the Court finds that the untimely service was inadvertent and not in bad faith. Moreover, the record reflects that Defendant filed, on April 15, 2009, what appears to be an amended

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document containing Defendant's portion of the proposed Joint Final Pretrial Order (Docket No. 231). Consequently, the Court finds that sanctions are not warranted.

WHEREFORE, it is now hereby **ORDERED** that Defendant's Motion For Sanctions For Violation of Pretrial Scheduling Order (Docket No. 219) is **DENIED**.

ENTER:

Dated: May 21, 2009

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE